

## **GENERAL PERMIT 14**

### **Sacramento-San Joaquin River Delta Dredging for Levee Maintenance**

Effective Date: January 1, 1996

Expiration Date: January 1, 2001<sup>1</sup>

#### **TO WHOM IT MAY CONCERN:**

The District Engineer, Sacramento District, U.S. Army Corps of Engineers (Corps), authorizes eligible participants of the Delta Flood Protection Act of 1988, Senate Bill No. 34 (SB 34), as well as other public agencies or littoral land owners doing similar work, to dredge below the mean high water line for the purpose of obtaining material to perform maintenance and repair of existing serviceable levees in navigable waters of the Sacramento-San Joaquin River Delta, California. The permit area is shown at Enclosure 1.

#### **ELIGIBLE PARTICIPANTS OF SB 34:**

SB 34 authorizes State financial assistance to local agencies for maintenance and improvement of levees in the Sacramento-San Joaquin Delta which are not project facilities under the State Water Resources Law of 1945. Reclamation districts that maintain such non-project levees are eligible participants in SB 34 and are authorized to perform work under this general permit. The work may also be performed by their respective contractors.

#### **NON SB 34 PARTICIPANTS:**

Agencies and littoral land users that need to do similar work to that described in SB 34 and meet the conditions set forth in SB 34 and this general permit are also authorized to perform work under this general permit. The work may also be performed by their respective contractors.

#### **SCOPE OF WORK:**

This permit authorizes the dredging activity and does not authorize the placement of the dredged material on levees for maintenance and repair. Placement of fill is authorized under Nationwide Permit 3 as long as the conditions of that permit are met.

Dredging of fill material below the mean high water line is limited to a total of 100,000 cubic yards of material per permittee, per year.

Work must be done in accordance with the special and standard conditions of this general permit and comply with all existing State and Federal laws.

The California Department of Fish and Game (CDFG) insures that California Environmental Quality Act (CEQA), State Endangered Species Acts (CESA), and other resource protection requirements are met through the SB 34 program procedures. The Corps is responsible for insuring that federal Endangered Species Act (ESA) requirements are met and has authorized the CDFG to implement the conditions established to meet these requirements. CDFG has been identified by the State of California, Resources Agency, as the responsible entity for administering and monitoring adherence to these conditions. The CDFG's Region II SB 34 Program Manager should be contacted at (916) 358-2924 for further information on SB 34 and to confirm whether proposed work is authorized by General Permit 14.

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<sup>1</sup> Contingent upon the re-authorization of Senate Bill No. 34. See page 2, DURATION OF GENERAL PERMIT.

Work that does not qualify under the conditions of this general permit will need authorization under an individual Department of the Army Permit prior to the start of work.

**DURATION OF GENERAL PERMIT:**

This general permit is valid from January 1, 1996, until January 1, 2001 contingent upon the re-authorization of SB 34 to or beyond January 1, 2001. Should SB 34 not be reauthorized, then this General permit will expire on January 1, 1999.

Dredging may only occur within the areas and during time windows as specified in Enclosures 1 and 2. These areas and windows may be updated annually by the CDFG, in coordination with the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and the Corps. CDFG will announce such changes by public notice no later than the earlier of either:

- a) the start of the year's opening window date for dredging as described prior to revision by CDFG; or
- b) the start of the forthcoming year's dredging window.

Projects proposed outside of the established time windows may be approved on a case by case basis by CDFG. As fish do not adhere strictly to the established time windows and areas, a time window may be extended, or shortened, if real-time monitoring information indicates an absence or presence of a sensitive species in the area where work is proposed to be performed.

**ADDITIONAL INFORMATION:**

Issuance of this permit is under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). This General Permit is in accordance with provisions of 33 CFR Part 322.2(f) and 325.2(e) (2), for activities covered by an existing Federal, State, or local agency program, where such program provides as much or more protection for the aquatic environment; results in minimal adverse effects upon the environment, both individually and cumulatively; and where the general permit will reduce or avoid duplication with the other program.

**WORK EXCLUDED FROM THIS GENERAL PERMIT:**

1. Work in those waters of the Sacramento-San Joaquin River Delta lying outside of the permit boundaries shown in Enclosure 1; work in areas formally set aside by municipalities, counties, State, and Federal governments for parks, wildlife refuges, and recreation areas; and work on or adjacent to sites identified in the National Register of Historic Places and supplements thereto.
2. Dredging in waters less than three meters in depth as measured from the mean high water (MHW) mark at the adjacent shoreline.
3. Any dredging activity that would jeopardize the continued existence of a threatened or endangered species, or a species proposed for such designation, as identified under the Federal Endangered Species Act; or which is likely to destroy or adversely modify the designated critical habitat of such species.
4. Work in the area of the Sacramento-San Joaquin Delta that lies downstream of River Mile 4 on the Sacramento River and downstream of River Mile 8 on the San Joaquin River. This includes the water and wetlands west of Mayberry Slough in Sacramento County, California.

5. All dredging within 500 feet of a marina.
6. Any dredging activity conducted so as to remove any existing immersed or submersed vegetation.

**SPECIAL CONDITIONS:**

1. Section 401 of the Clean Water Act requires individual state water quality certification for use of this general permit. Therefore, a proposed project is denied without prejudice and cannot be authorized until either water quality certification or a waiver is obtained. For all work subject to this permit the applicant shall submit a description of the proposed activity to the Central Valley Regional Water Quality Control Board (CVRWQCB) at least 120 days prior to initiation of the work. The applicant may consult with the CVRWQCB to determine if the proposed activity meets criteria for a 30-day notice. The CVRWQCB will review the activity description to determine compliance with CVRWQCB policies and guidance, and recommend compliance measures.
2. The permittee shall permit the CVRWQCB to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
3. That should applicable water quality standards be revised or modified during the terms of this permit, the authorized activity shall, if necessary, conform with such revisions or modifications as follows:
  - (a) Upon the effective date of any such revisions or modifications; if the project is operating under Waste Discharge Requirements (WDR's), Monitoring and Reporting Program (MRP) or other Regional Board approval, the change will not be made until the WDR's, MRP or other written approval is amended.
  - (b) As directed by an implementation plan contained in such revised or modified standards. Or,
  - (c) within such longer period of time as the Corps of Engineers, Sacramento District, in consultation with the Regional Administrator of the Environmental Protection Agency may determine to be reasonable under the circumstances.
4. The applicant shall submit a complete description of the work to be performed to the CDFG at least 45 days prior to the start of the work. This description shall include:
  - (a) Responsible official's name, address, and telephone number.
  - (b) Location and area of the proposed activity by river mile, and (projected) Section, Township and Range.
  - (c) Depth and distance from the ordinary high water mark on the adjacent shoreline.
  - (d) Volume of material to be dredged.
  - (e) Proposed start and finish dates of the activity.
  - (f) Dredge site substrate type(s).
  - (g) Sediment test results. This may be omitted if site test results are already on record with CDFG.
  - (h) Presence or absence of shaded riverine aquatic habitat or shallow shoal habitat adjacent to the proposed site.
  - (i) Type of equipment to be used (e.g. clamshell dredge vs. suction dredge).

5. The CDFG shall review the proposed activity and determine whether it complies with all terms and conditions of this General Permit. The CDFG will then furnish a description of the proposed work to the Corps (for informational purposes) and the U.S. Coast Guard (for navigational information) NLT 15 days prior to the proposed start of construction.
6. Oily or greasy substances originating from the dredging operations shall not be allowed to enter the waterway or be placed where they will later enter the waterway.
7. The permittee shall maintain continuous radio watch monitoring channel 14 VHF. Permittee shall report position or position change to the Vessel Traffic Service (VTS), U.S. Coast Guard, San Francisco, and in addition report any situations that may affect shipping or navigation.
8. During the months of September through November, dredging may not be conducted in the Stockton Deep Water Ship Channel turning basin without first receiving authorization from the Assistant Field Supervisor, Endangered Species Division, Sacramento Field Office, USFWS, (916) 979-2725. Information on oxygen levels for the turning basin may be obtained from the Bay-Delta Division, CDFG, at (209) 948-7800. This information shall be provided to the USFWS when seeking authorization to perform work in this specific area.
9. All work authorized under this permit shall be in compliance with the California Department of Fish and Game's **Guidelines for Dredging in the Sacramento - San Joaquin Delta** (Draft, dated June 30, 1995). Work shall comply with this document until a final version is issued. At that time, the final version shall govern work authorized under this permit.
10. If suction (hydraulic) dredges are used, they shall be cleaned in a manner that minimizes entrainment of fish. Note that hydraulic dredges may only be used during the narrower time windows identified for their use in Enclosure 2.
11. Dredging shall not occur within one mile of any State Highway bridge support which is below the ordinary high water mark of a waterway without first consulting with the Hydrology and Hydraulics Unit, California Department of Transportation, (916) 227-8035. The distance shall be measured along the flow line of the waterway.

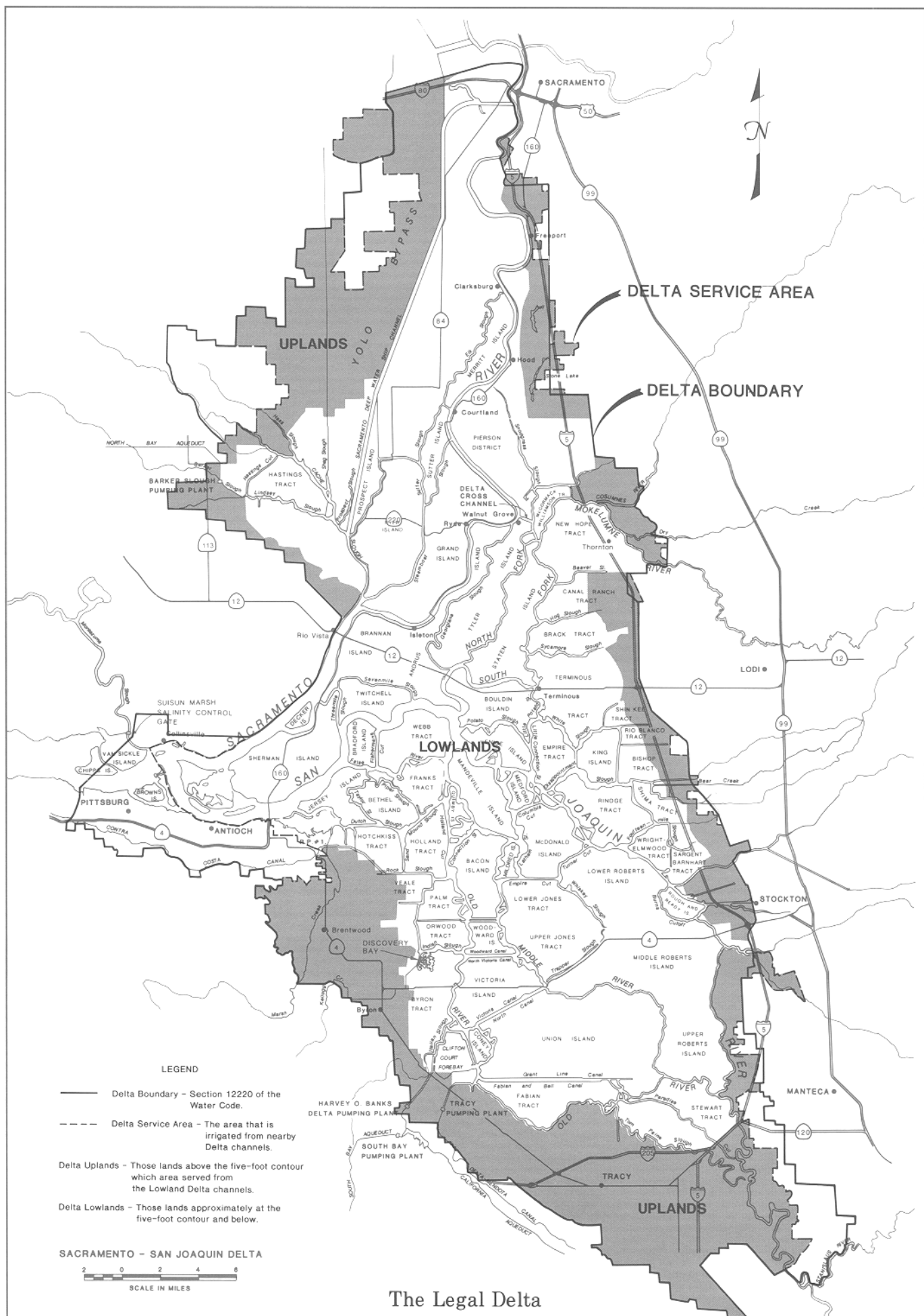
#### STANDARD CONDITIONS:

1. The activity must occur within the time window specified for a designated area as identified in Enclosures 1 and 2 and not beyond this permit expiration date. If more time is needed to complete the activity, submit your request for extension to CDFG for consideration at least one month prior to the ending date of the window for the area in which the work is being performed.
2. The activity shall not cause more than a minimal adverse impact on navigation.
3. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area.
4. The activity shall not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing rights.
5. If an archeological or historical site is exposed, the permittee shall cease work and notify the U.S. Army Corps of Engineers, Sacramento District. The Corps will initiate the Federal and State coordination required to determine if the site warrants a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

6. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
7. The permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
8. This permit does not authorize the interference with any existing or proposed Federal project.
9. This permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.
10. The activity may not occur in the proximity of a public water supply intake.

Enclosures:

1. Map of Legal Delta with Description of Protected Areas of Winter-Run Chinook Salmon and Delta Smelt.
2. Protected Time Windows by Area for Winter-run Chinook Salmon and Delta Smelt.



**Description of Protected Areas of  
Winter-run Chinook Salmon and Delta Smelt**

The following are written descriptions of the areas outlined on the preceding map of “THE LEGAL DELTA” (The Legal Delta is defined in Section 12220 of the California Water Code):

- Area A:** All rivers, Channels and Sloughs within the boundaries of the Legal Delta located north of a line which extends from the eastern-most intersection of the Contra Costa Canal with the Legal Delta southeastern boundary line, through Marsh Creek upstream of the confluence of the Contra Costa Canal, then east through Werner Dredger Cut upstream of the confluence of Rough -Slough, through Old River upstream of the confluence of Rough Slough, through Middle River upstream of the confluence of Empire Cut, through Whiskey Slough upstream of the confluence of Empire Cut, and then east and South through Burns Cutoff upstream of the northern confluence of Stockton Deep Water Channel, southeast through Burns Cutoff upstream of the southern confluence of the Stockton Deep Water Channel, and then east to the Legal Delta boundary line.
- Area B:** All Rivers, channels, and sloughs located within the Legal Delta south of the above defined Area A southern boundary line but, northwest of a line extending southwest from the above line through the San Joaquin River upstream of the confluence of Burns Cutoff, through Middle River upstream of the confluence of North Canal, then through Grant Line, Fabian, and Bell Canals upstream of the confluence of Old River, through Old River on southwestward through the Legal Delta boundary.
- Area C:** All Rivers, channels, and sloughs located within the Legal Delta south and east of the above defined Area B southeastern boundary line, but north and west of a line which extends from the southern Legal Delta boundary line north through the town of Tracy and Tom Paine Slough upstream of the confluence of Sugar Cut, through the confluence of Old River and Salmon Slough, through the confluence of Old River and Paradise Cut, through the confluence of Middle River and Old River, and through the San Joaquin River downstream of the confluence of French Camp Slough, and then east to the Legal Delta boundary line.
- Area D:** All Rivers, channels, and sloughs located within the Legal Delta south and east of the above defined Area C southeastern boundary line.

### **PROTECTION TIME WINDOWS BY AREA FOR WINTER-RUN CHINOOK SALMON AND DELTA SMELT**

The time windows by area and review process described below are for the protection of winter-run Chinook salmon and delta smelt during dredging work under General Permit 14 (GP 14). The areas are shown and described at Attachment 1 to GP 14. The ranges of these species and measures for their protection extend outside the boundaries of these areas, therefore the defined areas and time windows are applicable only for GP 14 and SB 34 projects.

- Area A:** The winter-run Chinook salmon normal protection time window is September 15 through May 31, for projects using clamshell and suction dredging. This window may be reduced to December 1 through May 31 for lengthy projects using clamshell dredging only. The delta smelt protection time window is December 1 through July 31. The allowable period for project activity in Area A is August 1 through September 14, normally, but may be extended through November 30 for lengthy projects if only clamshell dredging is used.
- Area B:** The winter-run Chinook salmon normal protection time window is October 15 through May 31, for projects using clamshell and suction dredging. This window may be reduced to December 1 through May 31 for lengthy projects using clamshell dredging only. The delta smelt protection time window is March 1 through July 31 in area B. The allowable period for project activity in Area B is August 1 through October 14, normally, but may be extended through November 30 for lengthy projects if only clamshell dredging is used.
- Area C:** There is no time restriction identified for winter-run Chinook salmon in Area C. The delta smelt protection time window is March 1 through July 31. The allowable period for project activity in Area C is August 1 through February 28/29.
- Area D:** There is no time restriction in Area D. Project activities may occur at any time during the year.

### **Review Process**

The allowable periods for GP 14 and SB 34 project activities within areas A through D recognize the times when winter-run Chinook salmon and delta smelt may be unaffected by or least vulnerable to in-channel activities. An internal CDFG review process shall be initiated if any GP 14 and SB 34 work is proposed outside the allowable period for project activity. This internal review process is also triggered if the proposed project threatens to affect shaded riverine aquatic habitat or shallow shoal habitat. The CDFG's lead unit for the project shall contact the appropriate CDFG personnel in Inland Fisheries Division and/or the Bay Delta Division, and provide information on specific work activity, location of work site, duration of work, and work equipment involved. Upon review and coordination, a determination and/or suggested protection measures for the project will be provided for incorporation into the project.